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Testimony Supporting House Bill No. 1104, An Act Concerning the Militarization of Law Enforcement Agencies

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Good afternoon Senator Coleman, Representative Tong and members of the Committee on Judiciary. My name is David McGuire. As the Staff Attorney for the American Civil Liberties Union of Connecticut, I am here to support House Bill No. 1104, An Act Concerning the Militarization of Law Enforcement Agencies. This bill would mandate meaningful transparency and accountability regarding the acquisition of military equipment and the use of SWAT teams.

The images broadcast from Ferguson Missouri of police forces deploying armored tanks into civilian demonstrations jarringly illustrated the pitfalls of a highly militarized police force. While we hope to never experience the violence that we saw on the streets of Ferguson, it is alarming that our public safety agencies are stockpiling equipment for precisely these types of events.

Police in Connecticut have become unnecessarily and dangerously militarized, largely through federal programs that provide weapons with almost no public discussion or oversight. We have a right to ask our local police departments questions about this military equipment like: why do they need it, how will they use it, how will it impact community relations and how much will maintenance cost taxpayers?

Since 2009, state and local police in Connecticut have acquired \$12.9 million worth of military equipment, including military vehicles, automatic weapons and even a grenade launcher, through the Department of Defense 1033 Program. Some of the more than \$3 million dollars distributed through the federal Justice Assistance Grant program to Connecticut police agencies is also spent on military-style equipment.

Not only has the acquisition of military armaments occurred with almost no public oversight, some police agencies have denied or deceitfully responded to Freedom of Information requests to disclose what is in their arsenals.

Section 2 would require police departments applying for controlled military equipment, such as armaments or military vehicles, to hold a public hearing and make the application available for review by the municipality's legislative body. This sorely needed discussion will allow police to explain why they need the equipment and will allow the public to ask questions. Section 3 would require police departments to submit a detailed inventory of what military equipment is being stockpiled. These two requirements are not burdensome and will help restore the public's trust and confidence in police post-Ferguson.

Earlier this week New Jersey enacted similar legislation. We should follow suit and pass this bill which is a common sense approach to understanding what kind of equipment is being introduced in our communities.

Section 4 of the bill addresses another troubling contemporary law enforcement issue—the overuse of SWAT teams in Connecticut. From Fairfield to Ferguson, the number of SWAT raids has increased 20-fold since the 1980s, to 60,000 a year. This dramatic rise in SWAT team deployment can be at least partially attributed to the increased militarization of police addressed in earlier sections of this bill. Many police departments that have received heavy military equipment have been pressured by a “use it or lose it” mentality. Additionally there is no oversight or reporting around the use of SWAT teams in Connecticut. This is unacceptable.

SWAT deployments should be limited to the situations for which these aggressive measures were originally intended—barricaded suspects, hostage scenarios and active shooters, for example. SWAT teams are often deployed—unnecessarily and aggressively—to execute search warrants in low-level drug investigations. Seventy-nine percent of SWAT deployments the ACLU studied¹ were for the purpose of executing a search warrant. Nationally, more than half the SWAT deployments for executing a search warrant were directed against people of color.

We should join Maryland and Utah, states that have laws requiring police departments to report the deployment of SWAT teams and other tactical groups, as well as all incidents of forced entry by law enforcement.

This bill would require reports on SWAT activity to the Criminal Justice Policy and Planning Division within the Office of Policy and Management with details about the reason for each deployment; the location; the equipment used; whether entry was forced; the race, sex and age of each civilian encountered; any death or injury to any person or domestic animal; and a list of any controlled substances, weapons, contraband or evidence of crime found.

We don’t doubt that there are times when SWAT deployments are necessary. We just need to make sure there is oversight so that it is not a first-resort—which we know is happening locally and nationally. We shouldn’t kick down a door if knocking will suffice.

Please support this important legislation.

¹ <https://www.aclu.org/sites/default/files/assets/jus14-warcomeshome-report-web-rel1.pdf>